IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 2581 OF 2005

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

CORAM : B.P. DHARMADHIKARI, J.
JANUARY 15, 2007.

Heard Shri Ghate, learned counsel for the petitioner and Ms. Tanna, learned counsel for the respondent.

This Court has on 10.1.2007 passed an order and in pursuance thereof Shri Ghate, learned counsel states that the petitioner is not in a position to deposit entire amount. He further argues that the petitioner is a sick industry and in the impugned order, fact of communication on those lines by the State Government has not been considered. He also states that the proceedings under Section 14-B and 7-Q of Employees Provident Fund Act are clubbed and decided together without any opportunity to the petitioner. He further states that in order to show its bonafides, the petitioner is ready and willing to deposit amount of Rs. Two lakhs within four weeks and the respondent should be directed to give

appropriate opportunity to the petitioner.

Ms. Tanna, learned counsel invites attention to the order dated 10.1.2007 and states that this Court was about to dismiss the writ petition on that date and she further states that the petitioner was called upon to deposit entire amount and only for that purpose matter was adjourned. She contends that if the petitioner deposits entire amount, all questions sought to be raised in the present writ petition can be considered by the competent authority.

I find that the total amount claimed by the respondent from the petitioner is roughly Rs. 2,70,000/-. The petitioner is undertaking to deposit amount of Rs. Two lakhs within a period of four weeks from today. The amount is practically 75% of the amount claimed from the petitioner. There is a communication issued by the State Government which shows that the petitioner has gone sick. In these circumstances, I am inclined to give one opportunity to the petitioner subject to petitioner's depositing said amount of Rs. Two lakhs with the respondent within a period of four weeks from today. If the amount is so deposited, the authority shall proceed to hear the petitioner on merits and shall decide the

questions pointed out above and raised in this writ petition, after giving due opportunity to the petitioner. The petitioner to deposit amount of Rs. Two lakhs with the respondent by 15th February 2007 and if the amount is so deposited, the petitioner shall appear before Respondent No.1 for hearing on 22.2.2007. The authority shall proceed to hear the petitioner and decide the issue on 22.2.2007 itself or on such other date as may be convenient to the authority. However, the authority shall take final decision within a period of four months from 15.2.2007.

If the decision given is in favour of the petitioner, the amount deposited by the petitioner shall be refunded to it within a further period of four weeks from the date of passing of such an order. Subject to this, the impugned order dated 13.1.2005 is quashed and set aside. Writ Petition is disposed of. No order as to costs.

Certified copy expedited.

JUDGE

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